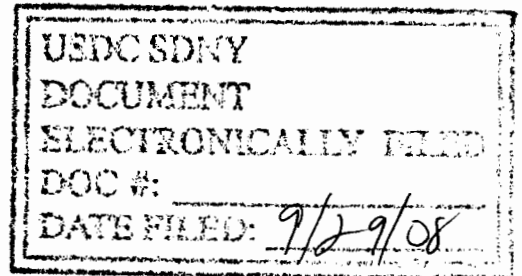


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
SHEA DEVELOPMENT CORP et al., :
:
Plaintiffs, : ORDER

-v.- :
: 07 Civ. 11201 (DLC) (GWG)
WATSON et al., :

Defendants. :
-----X
GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Oral argument is set for October 7, 2008, at 3:00 p.m. in Courtroom 17-A, 500 Pearl Street, New York, New York, on the pending motions to enforce.


The parties should be prepared to address whether an evidentiary hearing or additional submissions are required with respect to the following three factual issues: (1) whether the portion of the agreement requiring the transfer of equipment has been complied with; (2) whether there is any document reflecting the purported "tender" referred to in the settlement agreement other than the December 18, 2007 letter (putting aside any legal arguments on this point, including the validity of the tender); and (3) whether execution of a power of attorney is necessary in order for the parties to fulfill their obligations with respect to the tax dispute.

Separately, it is unclear whether plaintiffs dispute that Watson is entitled to interest on any delay in payment of the moneys due under the settlement agreement. If they so dispute, they shall explain the basis for their argument.

The parties shall confer with respect to these issues in advance of the oral argument date. If there is agreement on these points, they should so inform the Court by joint letter. Such agreement may obviate the need for oral argument.

SO ORDERED.

Dated: September 29, 2008
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge